



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

April 1, 1947

Hon. Claud Gilmer, Chairman  
Appropriations Committee  
House of Representatives  
50th Legislature  
Austin, Texas

Opinion No. V-111

Re: Constitutionality of  
House Bill No. 60,  
Fiftieth Legislature.

Dear Sir:

We refer to your letter of recent date, acknowledged by the Attorney General on February 28, 1947, wherein you advise that the House Appropriations Committee has under consideration the matter of making an appropriation of \$12,000 for the relief of the Edom Independent School District in Van Zandt County. The proposed House Bill No. 60 recites that the school building of that district and its facilities, for the second time in recent years, has been totally destroyed by fire, the insurance recovered from the destruction being wholly inadequate for the purpose of replacing same, and that there are no other means of replacing such facilities.

You ask to be advised concerning the constitutionality of the proposed bill.

Article III, Section 56, Constitution of Texas, provides, in part, as follows:

"The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing. . . the building or repairing of school houses, and the raising of money for such purposes."

Article III, Section 51, Constitution of Texas, provides, in part:

"The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever; . . . and provided, however,

that the provisions of this section shall not be construed so as to prevent the grant of aid in cases of public calamity."

We think that Article III, Section 56, Article VII, Section 3, of the Constitution, and the enabling legislation provided in Article 2784e, 2786 and 2788, V.R.C.S., contemplate that the school districts of Texas, when financially capable of doing so, should erect, and bear the expense of the erection of their own school buildings and facilities, and that the Legislature, except in cases of public calamity coming within the exception of Article III, Section 51, of the Constitution, is without authority to make an appropriation for the construction of common or independent district school buildings or facilities.

Accordingly, it is our opinion that House Bill No. 60 is unconstitutional, it being a local or special law expressly prohibited by Article III, Section 56 of the Constitution hereinabove quoted, and the bill not coming within that provision of Article III, Section 51 of the Constitution allowing a grant of aid in cases of public calamity.

SUMMARY

House Bill No. 60, Fiftieth Legislature, a local or special law providing an appropriation for the erection of a schoolhouse by the Edom Independent School District is unconstitutional, the enactment being prohibited by Article III, Section 56, Constitution of Texas, and the same not coming within that provision of Article III, Section 51, of the Constitution allowing a grant of aid in cases of public calamity.

Yours very truly

APPROVED MAR. 31, 1947

ATTORNEY GENERAL OF TEXAS

*Price Daniel*  
ATTORNEY GENERAL

By *Chester E. Ollison*  
Chester E. Ollison  
Assistant

CEO:djm:jrb

This opinion considered and approved in limited conference.